



HEALTH CARE  
A U T H O R I T Y

**Michelle Lujan Grisham, Governor**  
Kari Armijo, Secretary  
Alex Castillo Smith, Deputy Secretary  
Kathy Slater Huff, Deputy Secretary  
Niki Kozlowski, Acting Deputy Secretary  
Alanna Dancis, Acting Medicaid Director

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On March 26, 2026, a Public Hearing was held for Health Care Authority Register (HCAR) Vol. 49 NO. 3, published on February 24, 2026, in Volume XXXVII, Issue 4. Public Comment was received via email on March 26, 2026 (see below). Response to follow in final HCAR.



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March 26, 2026

Kari Armijo, Secretary  
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*Via email: HCA-isdrules@hca.nm.gov*

RE: New Mexico Register Vol 37 No. 4

Dear Secretary Armijo:

Please accept the following comments on the New Mexico Health Care Authority's (HCA) proposed regulation changes regarding New Mexico's SNAP application process, immigrant eligibility and time limit work requirements.

The New Mexico Center on Law and Poverty is dedicated to advancing economic and social justice through education, advocacy, and litigation. We work with low-income New Mexicans to improve living conditions, increase opportunities, and protect the rights of people living in poverty.

### **General Comments**

Hunger and poverty are real and persistent problems in New Mexico.<sup>1</sup> Right now, the 2025 federal reconciliation bill (HR-1) is fundamentally changing state SNAP programs and putting more households at risk of food insecurity. One of the most significant changes means that many more New Mexicans will be subject to a three-month time limit on benefits, unless they meet new, burdensome work reporting requirements. This change alone is anticipated to impact 55,000 New Mexicans, including 27,000 in households with children ages 14 and older.<sup>2</sup>

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<sup>1</sup> 16.6% of New Mexicans experience food insecurity, which is about 1 out of every 6 people.

<https://map.feedingamerica.org/county/2023/overall/new-mexico>.

<sup>2</sup> "Senate Agriculture Committee's Revised Work Requirement Would Risk Taking Away food Assistance from More than 5 Million People: State Estimates," Center on Budget and Policy Priorities, June 27, 2025, <https://www.cbpp.org/research/food-assistance/senate-agriculture-committees-revised-work-requirement-would-risk-taking>.

HCA has the difficult task of implementing foundational shifts in the operation of SNAP programs. Nevertheless, HCA's first priority should be to ensure that the 1 in 5 New Mexicans that depend on SNAP for basic nutrition are able to maintain access to crucial nutrition benefits.

**NMAC 8.100.130.26-27**

**HCA Should Not Eliminate Attestation as Verification for Shelter, Utility and Dependent Care Expenses.**

HCA's proposal to require families to turn in documents proving their utility and shelter payments is unnecessary, will increase administrative burdens for HCA and cause families to receive reduced SNAP benefits when they have challenges turning in paperwork. The current rules at NMAC 8.100.130.26-27 allow HCA to accept client attestations to verify shelter, utility and dependent care expenses for the purpose of calculating deductions without need of further documentation.

HCA claims, without documentation, that the proposed change would reduce the SNAP payment error rate by 3-6%. According to the most recent Quality Control report, the most common source of payment errors in New Mexico was wage and income calculations. This category accounted for 45% of all payment errors meaning it accounted for almost as many errors as all other categories combined. As you know, income is always determined using documentary verification, such as pay check stubs, employer statements or databases. As such, documentary verification itself clearly does not automatically support a lower error rate. In fact, processing the utility and shelter paperwork will reduce the agency's capacity to accurately determine other aspects of case processing, including income.

To obtain a higher deduction from income due to utility costs, families should be asked specific information about whether they pay housing costs like rent or a mortgage separate from heating and cooling. This means that the HCA employees must accurately ask questions about utilities during the interview and explain reporting requirements. Quality control data from FY 24 shows that errors attributed in full or in part to incorrect shelter, utility and dependent care deductions were caused by both under and over reports of the relevant costs. The notes by quality control reviewers almost never provide enough information to attribute the cause of the error to an inadequate question from the ISD employee or an incorrect response from the applicant. We encourage HCA to focus on income calculation mistakes, which occur despite the widespread provisions of documentary proof before penalizing families with more paperwork requirements.

**NMAC 8.139.410.14(D)**

**HCA Should Record in Rule the Geographical Regions Covered By Waivers to the Time Limit Rule.**

HCA should explicitly state in rule, the geographic areas where the time limit is waived or state where the information is posted. HCA has applied for and received approval for regional waivers authorized by 7 USC Section 2015(o)(4)(A)(i). These waivers cover Luna County and the Pueblos of Taos, Tesuque, San Felipe and Laguna until December 31, 2026 and directly impact families' eligibility for SNAP. There is currently no way for a participant to know whether they live in a waived area. HCA should include these waivers in rule to ensure that the greatest number of people are aware that any applicant residing in these waived areas is not subject to the time limit rule.

**NMAC 8.139.410.14(F)**

**HCA Should Record in Rule the Chronic Homelessness Exception to General Work Requirements.**

HCA should add a subsection clearly stating that chronic homelessness is a condition sufficient to qualify for an exception to the general work rule exceptions (which are incorporated by reference into the exceptions for work requirements for the time limit rule) recorded at 8.139.410.12 NMAC. HCA currently recognizes that those who are chronically homeless are exempt from SNAP work requirements because they are unfit for work as defined at 7 CFR Section 273.7(b)(1)(ii). *see* ISD IPP 18-04, "Homeless Individuals and Chronic Homeless Individuals," March 23, 2018. To comply with the New Mexico Rules Act and ensure New Mexicans understand the rules applicable to their SNAP eligibility, HCA must promulgate policy impacting recipients into regulation, rather than keeping such information in internal policy memoranda.

**NMAC 8.139.410.14(F)**

**HCA Should Include Receipt or Enrollment in Programs for People with Disabilities As Proof of Disability.**

HCA currently has a subsection at NMAC 8.139.410.14(F) describing the criteria for unfitness for work based on physical or mental disability which would qualify an applicant for an exception to the time limit SNAP work requirements. HCA's current language regarding the ways in which an applicant can qualify for exceptions because their disability renders them unfit for work only include two categories, those being (1) the applicant's disability is obvious or previously documented in the applicant's case file, or (2) the applicant's disability is documented by a medical professional.

HCA should include 2 additional categories under this subsection. The first additional category should be applicants who are already recognized as having a physical or mental impairment which meets the criteria to exempt them from the time limit work requirements because they have already qualified for vocational rehabilitation services under the criteria recorded at 6.100.2.21(A) NMAC. The disability criteria for vocational rehabilitation services are identical to those criteria for a SNAP time limit work rule exception. Therefore, HCA should specify that anyone who has already qualified for vocational rehabilitation services would necessarily qualify for a disability related exemption to SNAP time limit work requirements.

The second additional disability related exemption that HCA should add to subsection 8.139.410.14(F) NMAC comes directly from the federal regulation outlining the exemptions to the time limit work rule. 7 CFR Section 273.24(c)(2)(i) states that any applicant who is receiving temporary or permanent disability from governmental or private sources will qualify for an exception to the time limit work rules. HCA's current rules already incorporate the other two categories listed under this federal exception. HCA should simply fully incorporate all of the acceptable criteria for disability related exceptions to the time limit rule.

#### **NMAC 8.139.410.14**

#### **HCA should provide SNAP Employment and Training for people subject to the time limit.**

HCA's current implementation of HR-1, as evidenced by these regulations, offers no help to New Mexicans who cannot find work and are facing loss of SNAP due to the expanded work requirements.

HCA's regulations should provide for a process for SNAP participants subject to the time limit to access E&T programs. New Mexico announced in 2024 that it would offer employment and training to people subject to the time limit - but never did. Data from HCA showed that after three months of time limit implementation in just three counties, roughly 50% of New Mexicans subject to the rules lost SNAP. Providing E & T programming for New Mexicans subject to these harsh rules, especially in rural areas and those with persistently high unemployment will mitigate this harm. HCA received funding during the first 2025 Special Session to "support individuals in meeting work and volunteer requirements necessary to qualify for benefits under the federal supplemental nutrition assistance program and the state medicaid program." House Bill 1, New Mexico Legislature, First Special Session, 2025.

This funding has not been spent and New Mexico has not taken advantage of federal funding for SNAP E&T. Under the funding provisions of 7 CFR Section 273.7(d) each state agency is automatically allocated federal funds to support E&T programs that require no

matching as well as additional federal matching funds to cover E&T administrative costs in excess of the first category of funding. According to 7 CFR Section 273.7(c)(7) states may apply for a third source of funding from the federal government for E&T administration if they pledge to enroll every willing SNAP recipient subject to the time limit rule in an E&T program. *see also* 7 CFR Section 273.7(d)(3). Other federal provisions provide for fund reallocation on request from the state agency which may then be used to further support E&T programs. 7 CFR Section 273.7(d)(1)(ii).

As HR-1 is fully implemented, E & T will also be critical to families who need to show they are “working” to keep Medicaid. HCA must immediately develop a low barrier program for families facing the greatest challenges to employment. Making these programs available to any SNAP recipient will ensure that more New Mexican families can keep their essential benefits while also allowing the state to make use of federal funds to support those programs.

Thank you for considering these comments. Please let me know if you have any questions. I can be reached at [Marco@nmpovertylaw.org](mailto:Marco@nmpovertylaw.org).

Sincerely,